

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT SEATTLE**

9 Amazon.com, Inc. et al

No. 2:24-cv-01188

10 Plaintiffs,

11 vs.

Answer & Affirmative Defenses for  
Defendant Rachel Winchester  
(Diekmann)

12 Michael Bartley, et al

13  
14 Defendants.

15 COMES NOW, Defendant Rachel Winchester (formerly Rachel Diekmann), by and through  
16 undersigned counsel, and Answers Plaintiffs' Complaint as follows:

17 **I. Introduction**

- 18
- 19 1. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 1,  
20 and on that basis denies them.
  - 21 2. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 2,  
22 and on that basis denies them.
  - 23 3. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 3, and  
24 on that basis denies them.
- 25

Answer & Affirmative Defenses of Rachel Winchester

*Amazon.com Inc. et al v. Bartley et al*

**Nicholas Ranallo, Attorney at Law**

WSBA 51439  
5058 57<sup>th</sup> Ave. S.  
SEATTLE, WA. 98118  
Phone: (831) 607-9229 Fax (831) 533-5073  
Email: [nick@ranallolawoffice.com](mailto:nick@ranallolawoffice.com)

1 4. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 4, and  
2 on that basis denies them.

3 5. Defendant denies the allegations in Paragraph 5 as they relate to herself. Defendant lacks  
4 information sufficient to admit or deny the allegations in Paragraph 5 directed to the other  
5 defendants, and on that basis denies them.

6 6. Defendant denies the allegations in Paragraph 6 as they relate to herself. Defendant lacks  
7 information sufficient to admit or deny the allegations in Paragraph 6 directed to the other  
8 defendants, and on that basis denies them.

9 II. Parties

10 7. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 7, and  
11 on that basis denies them.

12 8. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 8, and  
13 on that basis denies them.

14 9. Defendant admits that her business, J&G Sourcing, LLC operated an Amazon seller  
15 account. Defendant denies the remaining allegations in Paragraph 9.

16 10. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 10,  
17 and on that basis denies them.

18 11. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 11,  
19 and on that basis denies them.

20 12. Defendant admits that she is an individual residing in Missouri. Defendant further admits  
21 that she is a member of J&G Sourcing, LLC and in that capacity contributed to the  
22 operation of the Amazon seller account for the business. Defendant denies the remaining  
23  
24  
25

allegations in Paragraph 12.

13. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 13, and on that basis denies them.

14. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 14, and on that basis denies them.

15. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 15, and on that basis denies them.

16. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 16, and on that basis denies them.

17. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 17, and on that basis denies them.

18. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 18, and on that basis denies them.

19. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 19, and on that basis denies them.

20. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 20, and on that basis denies them.

### III. Jurisdiction & Venue

21. Paragraph 21 consists of legal conclusions to which no response is required. To the extent that a response is deemed to be required, Defendant denies the allegations in Paragraph 21.

22. Defendant denies the allegations of Paragraph 22.

23. Defendant denies the allegations of Paragraph 23.

1 24. Paragraph 24 consists of legal conclusions to which no response is required. To the extent  
2 that a response is deemed to be required, Defendant denies the allegations in Paragraph 24.

3 25. Paragraph 25 consists of legal conclusions to which no response is required. To the extent  
4 that a response is deemed to be required, Defendant denies the allegations in Paragraph 25.

5 IV. Facts

6 26. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 26,  
7 and on that basis denies them.

8 27. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 27,  
9 and on that basis denies them.

10 28. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 28,  
11 and on that basis denies them.

12 29. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 29,  
13 and on that basis denies them.

14 30. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 30,  
15 and on that basis denies them.

16 31. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 31,  
17 and on that basis denies them.

18 32. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 32,  
19 and on that basis denies them.

20 33. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 33,  
21 and on that basis denies them.

22 34. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 34,  
23  
24  
25

1 and on that basis denies them.

2 35. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 35,  
3 and on that basis denies them.

4 36. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 36,  
5 and on that basis denies them.

6 37. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 37,  
7 and on that basis denies them.

8 38. Defendant admits that J&G Sourcing, LLC operated an Amazon seller account, that  
9 Defendant was a member of J&G Sourcing, LLC, and that it provided names, emails, and  
10 financial account information per the selling account requirements. Defendant denies the  
11 remaining allegations in Paragraph 38.

12 39. Defendant admits that a seller must agree to certain terms imposed by Amazon to become  
13 a seller in the Amazon Store. Defendant lacks information sufficient to admit or deny the  
14 remaining allegations of Paragraph 39, and on that basis deny them.

15 40. Defendant admits that the document at Exhibit B includes the phrases quoted in Paragraph  
16 40. Any remaining allegations in Paragraph 40 consist of legal conclusions to which no  
17 response is required. To the extent that a response is deemed necessary, Defendant denies  
18 the remaining allegations in Paragraph 40.

19 41. Defendant admits that the phrases following the bullet points in Paragraph 41 and the  
20 additional quoted portion below the bullet points in Paragraph 41 are included in the  
21 document attached as Exhibit C to Plaintiff's Complaint. The remaining allegations in  
22 Paragraph 41 are legal conclusions to which no response is required. To the extent that a  
23  
24  
25

1 response is deemed necessary, Defendant denies the remaining allegations in Paragraph  
2 41.

3 42. Defendant admits the document at Exhibit C includes the phrases following the bullet  
4 points in Paragraph 42. Defendant denies any remaining allegations in Paragraph 42.

5 43. Defendant admits that the phrases following the bullet points in Paragraph 43 appear in the  
6 document at Exhibit B. Defendant denies any remaining allegations in Paragraph 43.

7 44. Defendant denies the allegations in Paragraph 44 as they relate to herself. Defendant lacks  
8 information sufficient to admit or deny the allegations as to other defendants, and on that  
9 basis denies them.

10 45. Defendant denies the allegations in Paragraph 45 as they relate to herself. Defendant lacks  
11 information sufficient to admit or deny the allegations as to other defendants, and on that  
12 basis denies them.

13 46. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 46,  
14 and on that basis denies them.

15 47. Defendant admits that she provided invoices to verify the authenticity of products sold by  
16 J&G Sourcing, LLC. Defendant lacks information sufficient to admit or deny the  
17 remaining allegations as they relate to herself and lacks information sufficient to admit or  
18 deny the allegations as they relate to other defendants.

19 48. Defendant denies the allegations in Paragraph 48 as they relate to herself. Defendant lacks  
20 information sufficient to admit or deny the allegations as to other defendants, and on that  
21 basis denies them.

22 49. Defendant denies any allegations related to knowledge of, or other association with, any  
23  
24  
25

1 other defendant. Defendant lacks information sufficient to admit or deny the remaining  
2 allegations in Paragraph 49, and on that basis denies them.

3 50. Defendant admits that J&G Sourcing, LLC submitted invoices from Lousan and New  
4 Powerful in the form that they were received from those entities. Defendant lacks  
5 information sufficient to admit or deny the remaining allegations in Paragraph 50, and on  
6 that basis denies them.

7 51. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 51,  
8 and on that basis denies them.

9 52. Defendant denies the allegations in Paragraph 52 as they relate to herself. Defendant lacks  
10 information sufficient to admit or deny the allegations as to other defendants, and on that  
11 basis denies them.

12 53. Defendant denies the allegations in Paragraph 53 as they relate to herself. Defendant lacks  
13 information sufficient to admit or deny the allegations as to other defendants, and on that  
14 basis denies them.

15 54. Defendant admits that the J&G Sourcing, LLC selling account was blocked at some point.  
16 Defendant denies any remaining allegations in Paragraph 54 as they relate to herself.  
17 Defendant lacks information sufficient to admit or deny the allegations of Paragraph 54 as  
18 they relate to other Defendants, and on that basis denies them.

19 55. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 55,  
20 and on that basis denies them.  
21  
22  
23  
24  
25

V. Claims

First Claim

56. Defendant repeats the admissions and denials of the preceding paragraphs as though fully set forth herein.

57. Defendant denies the allegations in Paragraph 57 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

58. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 58, and on that basis denies them.

59. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 59, and on that basis denies them.

60. Defendant denies the allegations in Paragraph 60 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

61. Defendant denies the allegations in Paragraph 61 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

62. Defendant denies the allegations in Paragraph 62 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

Second Claim

63. Defendant repeats the admissions and denials of the preceding paragraphs as though fully



1 set forth herein.

2 64. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 64,  
3 and on that basis denies them.

4 65. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 65,  
5 and on that basis denies them.

6 66. Defendant denies the allegations in Paragraph 66 as they relate to herself. Defendant  
7 lacks information sufficient to admit or deny the allegations as to other defendants, and  
8 on that basis denies them.

9 67. Defendant denies the allegations in Paragraph 67 as they relate to herself. Defendant  
10 lacks information sufficient to admit or deny the allegations as to other defendants, and  
11 on that basis denies them.

12 68. Defendant denies the allegations in Paragraph 68 as they relate to herself. Defendant  
13 lacks information sufficient to admit or deny the allegations as to other defendants, and  
14 on that basis denies them.

15 69. Defendant denies the allegations in Paragraph 69 as they relate to herself. Defendant  
16 lacks information sufficient to admit or deny the allegations as to other defendants, and  
17 on that basis denies them.

18 70. Defendant denies the allegations in Paragraph 70 as they relate to herself. Defendant  
19 lacks information sufficient to admit or deny the allegations as to other defendants, and  
20 on that basis denies them.

21 71. Defendant denies the allegations in Paragraph 71 as they relate to herself. Defendant  
22 lacks information sufficient to admit or deny the allegations as to other defendants, and  
23  
24  
25

1 on that basis denies them.

2 Third Claim

3 72. Defendant repeats the admissions and denials of the preceding paragraphs as though fully  
4 set forth herein.

5 73. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 73,  
6 and on that basis denies them.

7 74. Defendant denies the allegations in Paragraph 74 as they relate to herself. Defendant  
8 lacks information sufficient to admit or deny the allegations as to other defendants, and  
9 on that basis denies them.

10 75. Defendant denies the allegations in Paragraph 75 as they relate to herself. Defendant  
11 lacks information sufficient to admit or deny the allegations as to other defendants, and  
12 on that basis denies them.

13 76. Defendant denies the allegations in Paragraph 76 as they relate to herself. Defendant  
14 lacks information sufficient to admit or deny the allegations as to other defendants, and  
15 on that basis denies them.

16 77. Defendant denies the allegations in Paragraph 77 as they relate to herself. Defendant  
17 lacks information sufficient to admit or deny the allegations as to other defendants, and  
18 on that basis denies them.

19 78. Defendant denies the allegations in Paragraph 78 as they relate to herself. Defendant  
20 lacks information sufficient to admit or deny the allegations as to other defendants, and  
21 on that basis denies them.  
22  
23  
24  
25

Fourth Claim

79. Defendant repeats the admissions and denials of the preceding paragraphs as though fully set forth herein.

80. Defendant denies the allegations in Paragraph 78 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

81. Defendant denies the allegations in Paragraph 78 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

82. Defendant denies the allegations in Paragraph 78 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

83. Defendant denies that Plaintiffs are entitled to any of the relief set forth in Paragraph 83 as to Defendant. Defendant lacks information sufficient to admit or deny the remaining allegations in Paragraph 83, and on that basis denies them.

Fifth Claim

84. Defendant repeats the admissions and denials of the preceding paragraphs as though fully set forth herein.

85. Defendant denies the allegations in Paragraph 85 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

86. Defendant lacks information sufficient to admit or deny the allegations in Paragraph 86,

and on that basis denies them.

87. Defendant denies the allegations in Paragraph 87 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

88. Defendant denies the allegations in Paragraph 88 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

89. Defendant denies the allegations in Paragraph 89 as they relate to herself. Defendant lacks information sufficient to admit or deny the allegations as to other defendants, and on that basis denies them.

#### VI. Plaintiffs' Prayer for Relief

Defendant denies that Plaintiff is entitled to the relief sought in Section VI of their complaint as to their claims against her. Defendant lacks information sufficient to admit or deny whether Plaintiffs are entitled to relief against any other defendant.

#### DEFENDANT'S AFFIRMATIVE DEFENSES

First Affirmative Defense: Failure to State a Claim Upon Which Relief May be Granted.

1. Plaintiffs' claims are barred in whole or in part as they fail to state a claim upon which relief may be granted.

Second Affirmative Defense: Lack of Personal Jurisdiction

2. Plaintiffs' claims are barred in whole or in part because Plaintiff and this Court lack personal jurisdiction over Defendant.

Third Affirmative Defense: Failure to Mitigate Damages

3. Plaintiffs' claims are barred in whole or in part by Plaintiffs' failure to mitigate any damages allegedly sustained.

Fourth Affirmative Defense: Economic Loss Rule

4. Plaintiffs' claims are barred in whole or in part by the Economic Loss Rule

Fifth Affirmative Defense: Innocent Infringement

5. Plaintiffs' claims are barred in whole or in part as, to the extent that Plaintiffs could prove that Defendant actually committed any infringement, Defendant is an innocent infringer.

Sixth Affirmative Defense: Equitable Estoppel

6. Plaintiffs' claims are barred in whole or in part by the doctrine of Equitable Estoppel.

Seventh Affirmative Defense: License

7. Plaintiffs' claims are barred in whole or in part because any use of trademarks was permitted by license agreements from Defendants.

Eighth Affirmative Defense: Waiver

8. Plaintiffs' claims are barred in whole or in part by the doctrine of waiver.

Ninth Affirmative Defense: Laches

9. Plaintiffs' claims are barred in whole or in part by the doctrine of Laches.

Tenth Affirmative Defense: Lack of Knowledge or Willfulness

10. Plaintiffs' claims are barred in whole or in part because Defendant had no knowledge that any allegedly infringing mark or product was counterfeit, unauthorized, or allegedly infringing and did not intend to infringe any mark that was alleged infringed.

Eleventh Affirmative Defense: Unjust Enrichment

11. Plaintiffs' claims are barred in whole or in part by the doctrine of unjust enrichment.

Twelfth Affirmative Defense: Lack of Privity

12. Plaintiffs' claims are barred in whole or in part by the lack of privity between Defendant and Plaintiffs.

Thirteenth Affirmative Defense: Lack of Enforceable Contract

13. Plaintiffs' contract claims are barred in whole or in part by the lack of an enforceable contract between Plaintiff(s) and Defendant.

Fourteenth Affirmative Defense: Improper Defendant/Corporate Limitation of Liability

14. Plaintiffs' claims are barred in whole or in part because any acts alleged and any contracts allegedly entered were done or entered by J&G Sourcing, LLC, a non-party to this action.

WHEREFORE, Defendants pray for the following relief:

- a) Dismissal of Plaintiff's Complaint with Prejudice;
- b) An award of costs, including reasonable attorney fees; and
- c) Such other relief as the Court deems just and appropriate.

Dated: November 15, 2024

/s/ Nicholas Ranallo  
Nicholas Ranallo, Attorney at Law (WA Bar #51439)  
5058 57<sup>th</sup> Ave. S.  
Seattle, WA 98118  
(831) 607-9229  
nick@ranallolawoffice.com  
Counsel for Defendant Rachel Winchester (f/k/a Diekmann)

**DEMAND FOR JURY TRIAL**

Defendant demands a jury trial on all issues so triable.

Dated: November 15, 2024

/s/ Nicholas Ranallo

Nicholas Ranallo, Attorney at Law (WA Bar #51439)

5058 57<sup>th</sup> Ave. S.

Seattle, WA 98118

(831) 607-9229

nick@ranallolawoffice.com